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Attorney for Defendant  
KENNETH O'NEIL

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. 2:21-CR-0115 DAD
	)	
Plaintiff,	)	STIPULATION REGARDING
	)	EXCLUDABLE TIME PERIODS UNDER
v.	)	SPEEDY TRIAL ACT; FINDINGS AND
	)	ORDER
KENNETH O'NEIL,	)	
	)	
Defendant.	)	
	)	
	)	
	)	
	)	

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record Assistant United States Attorney CAMERON DESMOND, and the Defendant, KENNETH O'NEIL, by and through his counsel of record TASHA CHALFANT, hereby stipulate and request that the Court make the following findings and Order as follows:

1. By previous order, this matter was set for status conference on October 4, 2022.
2. By this stipulation, the defendant now moves to continue the status conference until December 6, 2022, and to exclude time between October 4, 2022, and December 6, 2022, under Local Code T4. Plaintiff does not oppose this request.

STIPULATION AND [PROPOSED ORDER FOR CONTINUANCE OF STATUS HEARING  
AND FOR EXCLUSION OF TIME

1           3.       The parties agree and stipulate, and request that the Court find the following:

2           a.       The government has represented that the discovery associated with this case  
3 includes approximately 350 pages of investigative reports in electronic form, in addition to audio  
4 and video files. This discovery has been either produced directly to counsel, and/or made available  
5 for inspection and copying. Defense counsel was appointed on this case recently and is still trying  
6 to determine whether she has all of the discovery provided to previous counsel. Furthermore,  
7 defense counsel submitted a discovery request for related cases which is still pending production.  
8 Finally, once all discovery is reviewed, defense counsel will conduct relevant investigative tasks.  
9

10           b.       Counsel for the defendant desires additional time to review the discovery, develop  
11 the case, conduct investigation, consult with her client, discuss potential resolution, and to explain  
12 the consequences and guidelines.  
13

14           c.       Counsel for the defendant believes that failure to grant the above-requested  
15 continuance would deny her the reasonable time necessary for effective preparation, taking into  
16 account the exercise of due diligence.  
17

18           e.       The government does not object to the continuance.

19           f.       Based on the above-stated findings, the ends of justice served by continuing the  
20 case as requested outweigh the interest of the public and the defendant in a trial within the original  
21 date prescribed by the Speedy Trial Act.

22           g.       For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
23 et seq., within which trial must commence, the time period of October 4, 2022, to December 6,  
24 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
25 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
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28           STIPULATION AND [PROPOSED ORDER FOR CONTINUANCE OF STATUS HEARING

AND FOR EXCLUSION OF TIME

1 of the Court's finding that the ends of justice served by taking such action outweigh the best interest  
2 of the public and the defendant in a speedy trial.

3 4. Nothing in this stipulation and order shall preclude a finding that other  
4 provisions of the Speedy Trial Act dictate that additional time periods are excludable from the  
5 period within which a trial must commence.  
6

7 All counsel has reviewed this proposed order and authorized Tasha Chalfant to sign it on  
8 their behalf.

9 IT IS SO STIPULATED.

10 Dated: October 3, 2022

11 by: /s/Tasha Chalfant for  
CAMERON DESMOND  
Assistant U.S. Attorney  
Attorney for Plaintiff

13 Dated: October 3, 2022

14 by: /s/Tasha Chalfant  
TASHA CHALFANT  
Attorney for Defendant  
KENNETH O'NEIL

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28 STIPULATION AND [PROPOSED ORDER FOR CONTINUANCE OF STATUS HEARING  
AND FOR EXCLUSION OF TIME

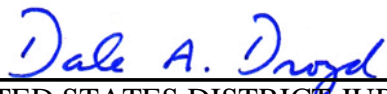
**ORDER**

The Court, having received, read, and considered the stipulation of the parties, and good cause appearing therefrom, adopts the stipulation of the parties in its entirety as its order. Based on the stipulation of the parties and the recitation of facts contained therein, the Court finds that the failure to grant a continuance in this case would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court finds that the ends of justice to be served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial.

The Court orders that the time from the date of the parties' stipulation, October 4, 2022, to and including December 6, 2022, status conference hearing date shall be excluded from computation of time within which the trial of this case must be commenced under the Speedy Trial Act, pursuant to 18 U.S.C §3161(h)(7)(A) and (B) (iv), and Local Code T4 (reasonable time for defense counsel to prepare). It is further ordered that the presently set October 4, 2022, status conference shall be continued to December 6, 2022, at 9:30 a.m. The court will be reluctant to grant any further continuances of the status conference date absent a more detailed and compelling showing of good cause.

IT IS SO ORDERED.

Dated: October 3, 2022

  
UNITED STATES DISTRICT JUDGE

STIPULATION AND [PROPOSED ORDER FOR CONTINUANCE OF STATUS HEARING  
AND FOR EXCLUSION OF TIME